IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.52 Of 1999.

Nemi Chand & Anr. Vs. Thakurji Shri Mahadavji, Karauli

Date Of Order ::: 03.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. J.P. Goyal, Counsel for defendant-appellants.

By the Court :

Heard learned counsel for defendant-appellants.

The plaintiff-respondent filed a suit for permanent injunction and injunction in mandatory form, which was partly decreed by the Lower Court and the defendants were directed to remove the disputed Wall marked as B and C. The judgment and decree passed by the Lower Court has been confirmed by the First Appellate Court also.

I have considered the submissions of learned counsel for the defendant-appellants in the light of

the findings recorded by both the Courts below and I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts below in this regard, which cannot be interfered with by this Court in this second appeal under Section 100 of the Code of Civil Procedure, 1908.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine with no order as to costs.

(Narendra Kumar Jain) J.

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